UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
Galveston Division

TEXAS DEPARTMENT OF CRIMINAL JUSTICE,)	
Plaintiff,)	
v.)	Case No. 3:17-cv-00001
UNITED STATES FOOD AND DRUG ADMINISTRATION, et al.,)	
Defendants.)	
)	

DEFENDANTS' CONSENT MOTION FOR AN EXTENSION OF TIME

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 7 of the Court's local rules, defendants, the United States Food and Drug Administration, *et al.*, respectfully request that the Court grant an extension of time, to and including January 5, 2018, for defendants to respond to plaintiff's motion for summary judgment. Defendants' response and cross motion currently is due on November 28, 2017. This is our second request to extend this deadline. Counsel for plaintiff, the Texas Department of Criminal Justice (Texas), has indicated that Texas consents to this request.

The parties have discussed possible ways to resolve this lawsuit. No resolution has yet been reached, but the Federal Government continues to consider options for resolving this matter. To allow those considerations to proceed, and because filing our response to plaintiff's summary judgment brief by November 28 might compromise our deliberations, we believe that it is necessary to request an extension of our filing deadline.

For these reasons, we respectfully ask the Court to grant this consent motion for an extension and permit us to file our response brief on or before January 5, 2018. In the interests

of fairness, we likewise request that the Court delay all remaining deadlines by a commensurate amount of time, such that plaintiff's combined opposition and reply memorandum would be due March 6, 2018, and defendants' reply memorandum would be due May 7, 2018.

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

ETHAN P. DAVIS
Deputy Assistant Attorney General

GUSTAV W. EYLER Acting Director

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s/ Alexander V. Sverdlov
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November 21, 2017 Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 21st day of November, 2017, a copy of the foregoing "DEFENDANTS' CONSENTS MOTION FOR AN EXTENSION OF TIME" was filed electronically. This filing was served electronically to all parties by operation of the Court's electronic filing system.

s/ Alexander V. Sverdlov

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v.) Case No. 3:17-cv-00001
UNITED STATES FOOD AND DRUG ADMINISTRATION, et al.,)))
Defendants.)) _)
[PROPOS	SED] ORDER
Upon consideration of the defendants'	consent motion for an extension of time, and upon
due deliberation, it is hereby	
ORDERED that the motion is granted;	and it is further
ORDERED that defendants shall file a	response to plaintiff's motion for summary
judgment by January 5, 2018; and it is further	
ORDERED that plaintiff shall file its c	combined opposition and reply by March 6, 2018,
and defendants shall file their reply by May 7,	2018.
SO ORDERED	
DATED:	
	HON. GEORGE C. HANKS, JR. United States District Judge